

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1320 - SB 1130

March 27, 2011

SUMMARY OF BILL: Creates a presumption that no parent with a history of perpetrating domestic or family violence, sexual abuse, or incest shall be awarded sole or joint custody of children, no matter how remote in time the abuse occurred. The presumption can be overcome if the parent has successfully completed an intervention program, is not abusing alcohol, illegal drugs, or substances, and that the best interest of the child requires that parent's participation as a custodial parent. Limits parent's residential time under certain circumstances and prohibits unsupervised contact between the parent and the child if the parent has been convicted as an adult of a sexual offense. Prohibits assessing court costs against a victim of family or domestic violence or sexual abuse, in cases where child custody is an issue. Creates a restraining order that prohibits the abusive parent, without consent of the abused parent, from going within 50 yards of the abused parent, child, and certain locations. Any violation of the restraining order will result in a termination of all court ordered child visitation. Prohibits the court from awarding joint or sole decision making authority to any parent who has committed any act recognized as a limiting factor. Specifies that no parent who has been the victim of domestic or family violence will be ordered to participate in mediation. Removes the provision that the court may consider any evidence submitted by a guardian court-appointed for the child, when determining whether an agreement allocating parenting responsibilities is in the best interest of the child.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Administrative Office of the Courts (AOC), while establishing presumptions with regard to perpetrators of domestic violence in child custody matters may alter the process in which information is presented to the court, it is not likely to result in information that is not currently being presented to the court in such cases.
- State and local courts currently do not assess any court costs and attorney fees against victims of family or domestic violence or sexual abuse.
- There will not be a significant change in the caseload of the court system.
- The proposed changes will not have a significant impact in the administration of cases and will not require additional judicial resources. Any costs incurred can be accommodated within existing resources of state and local courts without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

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